

PATENT COOPERATION TREATY

REC'D 30 MAY 2005

WIPO

PCT

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

SIMS, Antonia Luz Ines
PO Box 15-420, Iprima Suite
Plaza del Sol, 160 Killarney Road,
Hamilton
New Zealand

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 26 MAY 2005

Applicant's or agent's file reference
72T3036tooth

FOR FURTHER ACTION
See paragraph 2 below

International application No.

PCT/NZ2005/000060

International filing date (day/month/year)

29 March 2005

Priority date (day/month/year)

29 March 2004

International Patent Classification (IPC) or both national classification and IPC

Int. Cl.⁷ E02F 9/28 B02C 17/20, 18/18

Applicant

SHARP, Rodney Warwick

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU

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PO BOX 200, WODEN ACT 2606, AUSTRALIA
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Authorized Officer

SARAVANAMUTHU PONNAMPALAM
Telephone No. (02) 6283 2070

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/NZ2005/000060

Box No. I

Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/NZ2005/000060

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 5-10,13,14,16,18-21,23-25,27,29-32,36-41	YES
	Claims 1-4,11,12,15,17,22,26,28,33-35	NO
Inventive step (IS)	Claims	YES
	Claims 1-41	NO
Industrial applicability (IA)	Claims 1-41	YES
	Claims	NO

2. Citations and explanations:

NOVELTY and INVENTIVE STEP (IS)

The prior art documents are:

D1 DE3520370 A
D2 AU 63759/98 A
D3 US 6108896 A
D4 FR 2256996 A
D5 JP 7190024 A

Features of claims 1-26 & 28-41 are either disclosed or are considered to be features known to a person skilled in the art.

Hence lack novelty and/or inventive step.

Features of claim 27 is disclosed when disclosures of any one of the citation D1, D2 or D3 is combined with disclosures of either one of the citation D4 or D5.

Hence claim 27 lack an inventive step.

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2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/NZ2005/000060

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 5-10,13,14,16,18-21,23-25,27,29-32,36-41	YES
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